

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA    )  
  )  
v.                                    )    NO. 04-30033-MAP  
  )  
PAUL BANNICK                    )

**DEFENDANT’S OBJECTIONS TO PRESENTENCE REPORT**

The defendant objects to the Offense Level Computation as it appears in paragraph (279) of the Presentence Report at page 61. Specifically, the Presentence Report indicates a valuation of the gratuity or benefit received by the defendant to be in the amount of \$114,400.00; the defendant asserts this amount is an error. The Presentence Report indicates this amount was reached after conducting a “rough calculation” and the loss figure arrived at is “approximately” the amount cited.

The defendant asserts there is insufficient basis to conclude the calculation in the Presentence Report is accurate. The defendant further states his belief the loss amount is more accurately between \$30,000.00 and \$70,000.00. Such a loss figure would decrease the appropriate enhancement by 2 points under paragraph [279] of the Presentence Report. The defendant believes such a decrease would reduce the defendant’s adjusted Base Offense Level (Group I) to 16, see Presentence Report paragraph[284]. U.S.S.G. §2B1.1 (b)(1)(D) indicates an increase in the Offense Level of 6 points for a loss more than \$30,000.00 but less than \$70,000.00.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Mark G. Mastroianni, Esq., do hereby certify that I have served a copy of the foregoing via CM/ECF to Assistant United States Attorney, Kevin O’Regan, United States District Court, 1550 Main Street, Springfield, MA 01103 this 15<sup>th</sup> day of February 2007.

/s/ Mark G. Mastroianni